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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,890	09/29/2003	Yasuhiro Abe	848075-0058	1991

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SCHULTE ROTH & ZABEL LLP  
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NEW YORK, NY 10022

EXAMINER
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NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,890

Applicant(s)

ABE, YASUHIRO

Examiner

Khai M. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7-9, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozaki (U.S.Pub-20020061770).

Regarding claim 1, Ozaki teaches a portable terminal (fig.1a) comprising:

a first housing having a display unit (fig.1a-1b, housing 1, display portion 3, paragraph 0023);

a second housing having a main input unit (fig.1a-1b, housing 2, operating portion 5, paragraph 0023), and connected openably (fig.2a-2b, and 4-5, link member 7, paragraph 0034) and closably to said first housing (fig.2a-2b, and 3a-3c, link member 7, paragraph 0032); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.3a-3c, operating keys 8, paragraph 0032-0033);

wherein said display unit (fig.3b, display portion 3) is visible to a user in said closed state (fig.3a-3c, display portion 3, paragraph 0032) and an opened state (fig.4-5, display portion 3, paragraph 0036),

a screen on said display unit is able to display (fig.3b, display portion 3) a first selection screen which is appropriate for an operation by said auxiliary input unit (fig.3a-3c, operating keys 8) when both of said housings are in said closed state (fig.3a-3c, operating keys 8, paragraph 0032-0033, *the operating keys 8 necessary to carry out simple operations such as seeing an electronic mail on the liquid crystal display portion 3 when the electronic mail is received, seeing a schedule of an electronic pocketbook, etc. under the state that the display portion housing 1 and the operating portion housing 2 are closed*), and

a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in said opened state (fig.4-5, paragraph 0036, *the user can manipulate the keys of the operating portion 5 and keys 8 while seeing the liquid crystal display portion 3, and this is convenient for the user. Still further, under this state, the cellular phone of this embodiment can be also used as a portable information terminal for electronic mails, an electronic pocketbook, etc. by operating the keys of the operating portion 5*).

Regarding claim 7, Ozaki teaches a portable terminal according to claim 1, wherein said portable terminal is a personal digital assistant (paragraph 0038).

Regarding claim 8, Ozaki teaches a portable terminal according to claim 1, wherein said portable terminal is a portable telephone (paragraph 0038).

Regarding claim 9, Ozaki teaches a portable terminal comprising:

a first housing having at least a display unit (fig.1a-1b, housing 1, display portion 3, paragraph 0023);

a second housing having at least a main input unit (fig.1a-1b, housing 2, operating portion 5, paragraph 0023), and connected openably (fig.2a-2b, and 4-5, link member 7, paragraph 0034) and closably to said first housing (fig.2a-2b, and 3a-3c, link member 7, paragraph 0032); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.3a-3c, operating keys 8, paragraph 0032-0033); wherein said display unit (fig.3b, display portion 3) is visible to a user in said closed state (fig.3a-3c, display portion 3, paragraph 0032) and an opened state (fig.4-5, display portion 3, paragraph 0036), a screen on said display unit is able to display (fig.3b, display portion 3) a first selection screen which is appropriate for an operation by said auxiliary input unit (fig.3a-3c, operating keys 8) when both of said housings are in said closed state (fig.3a-3c, operating keys 8, paragraph 0032-0033, *the operating keys 8 necessary to carry out simple operations such as seeing an electronic mail on the liquid crystal display portion 3 when the electronic mail is received, seeing a schedule of*

*an electronic pocketbook, etc. under the state that the display portion housing 1 and the operating portion housing 2 are closed), and a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in said opened state (fig.4-5, paragraph 0036, the user can manipulate the keys of the operating portion 5 and keys 8 while seeing the liquid crystal display portion 3, and this is convenient for the user. Still further, under this state, the cellular phone of this embodiment can be also used as a portable information terminal for electronic mails, an electronic pocketbook, etc. by operating the keys of the operating portion 5).*

Regarding claim 11, Ozaki teaches a portable terminal according to claim 9, wherein said portable terminal is a personal digital assistant (paragraph 0038).

Regarding claim 12, Ozaki teaches a portable terminal according to claim 9, wherein said portable terminal is a portable telephone (paragraph 0038).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (U.S.Pat-20020061770) in view of Wada (U.S.Pat-6965413).

Regarding claim 2, Ozaki teaches a portable terminal according to claim 1,

Ozaki fails to specifically disclose first selection screen arranges items one-dimensionally, and said second selection screen arranges items multi-dimensionally. However, Wada teaches first selection screen arranges items one-dimensionally (fig.2b, col.2, jog dial 14, line 62 to col.3, line 8), and said second selection screen arranges items multi-dimensionally (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Wada to the teaching of Ozaki to provide convenient for the user.

Regarding claim 3, Ozaki, and Wada further teaches a portable terminal according to claim 2, wherein said items of said first selection screen are based on characters (see Wada, fig.2b, Jog dial 14, col.2, line 62 to col.3, line 8), and said items of said second selection screen are icons (see Wada, fig.2b, jog dial 14, col.2, line 62 to col.3, line 8).

Regarding claim 6, Ozaki teaches a portable terminal according to claim 1,

Ozaki fails to specifically disclose main input unit includes a key capable of being two-dimensionally operated, and said auxiliary input unit includes a lever capable of being one-dimensionally operated. However, Wada teaches main input unit includes a key capable of being two-dimensionally operated (fig.2b, col.2, jog dial 14, line 62 to col.3, line 8), and said auxiliary input unit includes a lever capable of being one-dimensionally operated (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to apply the teaching of Wada to the teaching of Ozaki to provide convenient for the user.

Regarding claim 10, Ozaki teaches a portable terminal according to claim 9,

Ozaki fails to specifically disclose main input unit includes a key capable of being two-dimensionally operated, and said auxiliary input unit includes a lever capable of being one-dimensionally operated, and wherein said items on said first selection screen can be selected by said lever operation, and said items on said second selection screen can be selected by said key operation. However, Wada teaches main input unit includes a key capable of being two-dimensionally operated (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), and said auxiliary input unit includes a lever capable of being one-dimensionally operated (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), and wherein said items on said first selection screen can be selected by said lever operation (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), and said items on said second selection screen can be selected by said key operation (fig.2b, jog dial 14, col.2, line 62 to col.3, line 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Wada to the teaching of Ozaki to provide convenient for the user.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (U.S.Pub-20020061770) in view of Kawasaki et al. (U.S.Pub-20020058527).

Regarding claim 4, Ozaki teaches a portable terminal according to claim 1, further comprising:



Ozaki fails to specifically disclose a state detecting device which detects opening and closing of said first housing and said second housing, and a control device which switches a display screen on said display unit, and wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device. However, Kawasaki teaches a state detecting device which detects opening and closing of said first housing and said second housing (fig.3, open-close detection switch 17, paragraph 0026-0027), and a control device which switches a display screen on said display unit (paragraph 0026-0027), and wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device (paragraph 0026-0027). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kawasaki to the teaching of Ozaki to provide convenient for the user.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (U.S.Pub-20020061770) in view of Kawasaki et al. (U.S.Pub-20020058527) further in view of Wada (U.S.Pat-6965413).

Regarding claim 5, Ozaki teaches a portable terminal according to claim 4,

Ozaki fails to specifically disclose wherein items on said first selection screen are based on characters, items on said second selection screen are based on icons, and when a selection screen has been switched in response to an opening action or a closing action from a state in which an item on said first or said second selection screen has been selected, said item remains selected in a form of a character or an icon

corresponding to said first or said second selection screen. However, Wada teaches wherein items on said first selection screen are based on characters (see Wada, fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), items on said second selection screen are based on icons (see Wada, fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), and when a selection screen has been switched in response to an opening action or a closing action from a state in which an item on said first or said second selection screen has been selected (see Wada, fig.2b, jog dial 14, col.2, line 62 to col.3, line 8), said item remains selected in a form of a character or an icon corresponding to said first or said second selection screen (see Wada, fig.2b, jog dial 14, col.2, line 62 to col.3, line 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Kawasaki to the teaching of Ozaki, and Wada to provide convenient for the user.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen  
Au: 2617

7/8/2006

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER